

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

JUN 20 '94

In the Matter of)

Revision of Part 22 of the)
Commission's Rules Governing)
Public Mobile Services)

FEDERAL COMMUNICATIONS
COMMISSION
SECRETARY
CC Docket No. 92-115

To: The Commission

COMMENTS OF NEXTEL COMMUNICATIONS, INC.

Nextel Communications, Inc.

Robert S. Foosaner,
Senior Vice President,
Government Affairs
Lawrence R. Krevor,
Director, Government Affairs
Laura L. Holloway
General Attorney
800 Connecticut Ave., N.W.
Suite 1001
Washington, D.C. 20006
202-296-8111

June 20, 1994

No. of Copies rec'd
List ABCDE

084

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	CC Docket No. 92-115
Revision of Part 22 of the)	
Commission's Rules Governing)	
the Public Mobile Services)	

To: The Commission:

COMMENTS OF NEXTEL COMMUNICATIONS, INC.

Pursuant to Rule 1.415 of the Federal Communications Commission's ("Commission") Regulations, 47 C.F.R. Section 1.415, and the Notice of Proposed Rule Making ("NPRM") released by the Commission in this Docket on May 20, 1994, Nextel Communications, Inc. ("Nextel") hereby submits its comments on the NPRM. The NPRM proposes to streamline the Commission's processes for licensing and operating common carrier services in the Public Mobile Services. Nextel fully supports the Commission's decision to streamline the cellular licensing process as well as its proposals to relieve cellular licensees of unnecessary operational burdens.

**I.
INTRODUCTION**

Nextel is a provider of Enhanced Specialized Mobile Radio ("ESMR") services, currently providing service to nearly 2,000 customers in Los Angeles, California. Nextel is in the process of developing and constructing other ESMR systems throughout the United States, including 45 of the 50 largest mobile communications markets in the country. In its order establishing "commercial

mobile radio services" ("CMRS"),^{1/} the Commission concluded that ESMR services are similar to cellular services, and therefore reclassified them as CMRS. After the three-year transition period provided for by Congress in the Omnibus Budget Reconciliation Act of 1993 (the "Budget Act"), Nextel will be subject to licensing, operational and technical regulations similar -- if not identical in many instances -- to those applicable to cellular providers.

The Commission is currently developing similar regulatory schemes for ESMR and cellular providers in its Further Notice of Proposed Rule Making ("FNPRM") in Docket No. 93-252. The Commission initiated the FNPRM based upon its obligation, pursuant to the Budget Act, to implement similar regulations for similarly situated providers by August 10, 1994. The FNPRM proposes to change, among other rules, the ESMR licensing rules to provide for a wide-area license similar to that provided for cellular licensees. The FNPRM also proposes operational and technical rule changes, intended to achieve "regulatory parity" among CMRS providers as required by Congress in the Budget Act. Thus, as a provider who will not only be competitive with but also regulated similarly to cellular, Nextel has an interest in the outcome of this proceeding.

^{1/} Second Report and Order, GN Docket No. 93-252 (March 7, 1994) (the "CMRS Order").

II.
THE COMMISSION ACTED APPROPRIATELY IN PROPOSING
TO STREAMLINE THE LICENSING AND OPERATIONAL
REQUIREMENTS FOR CELLULAR CARRIERS

As a reclassified CMRS provider, Nextel's operations will, after August 10, 1996, be subject to many of the same rules and regulations which the Commission is currently imposing upon cellular operators. Any attempt by the Commission to streamline the cellular licensing process, eliminate unnecessary reporting requirements, and create a more efficient and effective regulatory environment is in the public interest and whole-heartedly supported by Nextel.

In particular, Nextel supports the Commission's decision to eliminate reporting of internal system modifications. Because changes to internal cell sites do not change the cellular system's boundary or affect anyone adjacent to the cellular system, reporting these changes is unnecessarily burdensome. Moreover, the Commission staff is unduly burdened by the filing of needless information. By limiting the reporting requirement to external changes, the Commission will significantly reduce the burden on both licensees and the Commission's staff, resulting in more efficient telecommunications services.

Moreover, Nextel emphasizes that eliminating the reporting requirement for internal operations and modifications of a cellular system is a good model for the Commission's regulation of ESMR systems as CMRS. Like cellular systems, ESMR systems have multiple stations within their service areas -- whether a self-defined area or a Commission-defined geographic service area -- which, subject

to fulfilling all co-channel interference requirements, will not affect the overall impact of the system on surrounding licensees when internal sites are moved or altered. Therefore, the proposed rules should be revised to provide that ESMR operators be allowed to modify their internal stations and operations without being required to file a report with the Commission.^{2/}

III. CONCLUSION


All of the changes proposed by the Commission in this rule making proceeding with regard to cellular operations will be highly effective in streamlining the regulatory process imposed upon cellular operators. Streamlining the regulatory process will conserve Commission resources, will relieve providers of unnecessary burdens, and will create an environment which promotes the availability of more efficient, effective and advanced telecommunications services to the public. The regulations which the Commission establishes herein with regard to cellular should likewise apply to other competitive, similarly-situated wide-area CMRS providers such as ESMRs. Application of these streamlined rules to such providers will not only achieve the regulatory parity mandated by Congress in the Budget Act, but it will also result in more effective and efficient ESMR operations and will enhance

^{2/} In the FNPRM, the Commission is considering ESMR licensing changes that could provide exclusive spectrum assignments for ESMR providers in geographically-defined services areas. This would make ESMR licensing comparable to cellular licensing. In that case, precisely the same freedom to make internal system modifications without prior notice or reporting should be available to both cellular and ESMR operators.

competition among the providers of wide-area CMRS services.

For those reasons, Nextel supports the Commission's decision to change the cellular technical rules as proposed in this NPRM.

Respectfully submitted,


Robert S. Foosaner
Senior Vice President,
Government Affairs

Lawrence R. Krevor
Director, Government Affairs

Laura L. Holloway
General Attorney

800 Connecticut Ave., N.W.
Suite 1001
Washington, D.C. 20006
202-296-8111

June 20, 1994

Certificate of Service

I, Ladonya D. Miller, hereby certify that a copy of the foregoing Comments of Nextel Communications, Inc. has been mailed by United States first class mail, postage prepaid, this 20th day of June 1994, to the following:

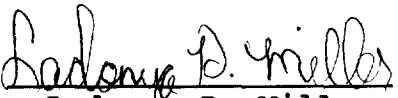
Mr. John Cimko
Chief, Mobile Services Division
Federal Communications Commission
Room 644
1919 M Street, N.W.
Washington, D.C. 20554

Mr. Steve Markendorf
Mobile Services Division
Federal Communications Commission
Room 644
1919 M Street, N.W.
Washington, D.C. 20554

Nancy Boocker
Mobile Services Division
Federal Communications Commission
Room 644
1919 M Street, N.W.
Washington, D.C. 20554

David Furth
Private Radio Bureau
Federal Communications Commission
Room 5202
2025 M Street, N.W.
Washington, D.C. 20554

Kathleen O'Brien Ham
Private Radio Bureau
Federal Communications Commission
Room 5202
2025 M Street, N.W.
Washington, D.C. 20554


Ladonya D. Miller